

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ANTHONY LOPEZ

Plaintiff,

-against-

**Docket No.: 1:08-cv-04246-BSJ-JCF**

CUNARD LINE, LTD.  
d/b/a CUNARD LINE CRUISES,  
CUNARD, plc, CARNIVAL  
CORPORATION, d/b/a  
CARNIVAL CRUISE LINES and  
CARNIVAL, plc

**NOTICE OF MOTION**

Defendants.

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PLEASE TAKE NOTICE that on a date and time to be fixed by the Court, as directed by the individual practices of the Honorable Barbara S. Jones, the undersigned, Bennett, Giuliano, McDonnell & Perrone, LLP, attorneys for Defendants, Carnival plc, Carnival Corporation and Cunard Celtic Hotel Services, Ltd. (hereinafter "Celtic"), will apply to the Honorable Barbara S. Jones, United States District Judge, United States District Court for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York for an order dismissing the Plaintiff's complaint against Carnival, plc and Celtic.

Defendants move pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), 12(b)(3), and 12(b)(6) for dismissal of the Plaintiff's First complaint based upon the express terms of the "Terms and Conditions of Service Relating to Employees Serving in Cunard Line Ships: Hotel and Entertainment Department" which contains a forum selection clause that requires all suits arising from personal injuries suffered by crewmembers to be brought exclusively in the United Kingdom's English Courts.

Defendants shall rely upon the Declaration of Counsel, Declaration of Cunard Celtic Hotel

Services, Ltd. by Benny C. B. Lee, Declaration of Carnival, plc by Frank Prowse, and the memorandum of law submitted herewith in support of its motion.

Pursuant to Federal Rules of Civil Procedure and Local Court Rule 6.1, answering papers, if any, must be delivered to counsel for the Defendants on or before September 4, 2008.

To: Jacob Shisha, Esq.  
Tabak, Mellusi & Shisha, LLP  
Attorneys for Plaintiffs  
29 Broadway  
New York, New York 10006

Lawrence N. Curtis, Esq.  
Lawrence N. Curtis Ltd.  
Attorneys for Plaintiff  
300 Rue Beauregard, Bldg. "C"  
Post Office Box 70598  
Lafayette, Louisiana 70598

Dated: New York, New York  
August 18, 2008

By: 

Joseph J. Perrone (JP 6832)  
E-mail: jperrone@bgmplaw.com  
Matthew J. Cowan (MC 1481)  
E-mail: mcowan@bgmplaw.com  
Bennett, Giuliano, McDonnell & Perrone, LLP  
Attorneys for Defendants  
Carnival plc, Carnival Corporation and Cunard  
Celtic Hotel Services, Ltd.  
494 Eighth Avenue, 7<sup>th</sup> Floor  
New York, New York 10001  
Tel: (646) 328-0120  
Fax: (646) 328-0121

**DECLARATION OF SERVICE BY ECF**

I HEREBY CERTIFY that a true and correct copy of the Defendants' Motion to Dismiss, Declaration of Counsel, Declaration of Cunard Celtic Hotel Services, Ltd. by Benny C. B. Lee, Declaration of Carnival, plc by Frank Prowse, and the memorandum of law have been electronically filed on August 18, 2008 with the Clerk of the Court by using the CM/ECF system.

By:   
Matthew J. Cowan, Esq. (MC 1481)